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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/910,555	07/20/2001	Hanafy Meleis	9209-5	3472
20792	7590	04/27/2005		EXAMINER
MYERS BIGEL SIBLEY & SAJOVEC				PATEL, DHARYA A
PO BOX 37428				
RALEIGH, NC 27627			ART UNIT	PAPER NUMBER
			2151	

DATE MAILED: 04/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/910,555	MELEIS, HANAFY	
	<b>Examiner</b>	<b>Art Unit</b>	
	Dhairy A. Patel	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 24 January 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.  
 4a) Of the above claim(s) 2,7,14 and 21 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1,3-6,8-13,15-20,22-26 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/2/02</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

HCL

## DETAILED ACTION

1. This action is in response to amendment filed on 1/24/2005. Claims 1-26 are presented for examination. Claims 2,7,14,21 are withdrawn.
2. Applicant's arguments filed on December 3, 2004 have fully considered but they are not deemed to be persuasive.
3. The rejection to the claims 3,8,15 and 22under 35 U.S.C 112 second paragraph is withdrawn

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Li et al. U.S. Patent # 6,012,088 (hereinafter Li) in view of "Official Notice".

As per claim 1, Li teaches a network model for managing a service, comprising:

-an end service domain (Fig. 1 element 12) that associates the service with an end service provider(Fig. 1 element 16), the end service domain comprising: (Fig. 1 & 2; column 5 lines 1-13).

The reference teaches Internet service provider (end service domain) that associates service with global carrier (end service provider).

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-a plurality of wholesale service domains (Fig. 1 element 30,32), respective ones of the plurality of wholesale service domains comprising at least one network that provides traffic transport for the end service domain; (Fig. 2&3; Column 5 lines 30-38).

The reference teaches plurality of IP network (wholesale service domain) that provide traffic for end Internet service provider (end service domain).

-a plurality of gateways (Fig. 2 element 42), wherein at least a first one of the plurality of gateways couples one of the plurality of wholesale service domains to another one of the wholesale service domains and is configured to perform protocol translation on traffic passing between the coupled wholesale service domains, and wherein at least a second one of the plurality of gateways is configured to couple a user to the end service domain and is further configured to communicate with the user by a protocol associated with the service; and (Fig. 1,2,3,4,6)(Column 8 lines 14-34, Column 6 lines 6-12)

The reference teaches providing address translation (protocol translation) between coupled wholesale service domains and gateway configured to couple a user to the end service domain and communicate with the user.

-a process domain that provides an abstract representation of applications provided by the end service domain. (Column 6 lines 13-16)

The reference teaches distributing information (representation of application) about various hardware interfaces.

a service management system that is communicatively coupled to the end service domain, the service management system comprising: (column 5 lines 30-38)

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-a plurality of software objects that represent resources in the end service domain for providing the service; and (column 5 lines 30-38)

The reference teaches having plurality of software (software objects) and hardware systems of managing and monitoring the IP network which is obvious that since the IP network contains elements and resources, that they are going to monitored.

-a policy database that comprises rules for associating requirement of the service with resources in the end service domain. (Column 9 lines 50-67)(column 10 lines 1-5)

The reference teaches having a database (column 9 lines 55) which was customer's information which customer input in such as desired domain name (rules) which is made in a configuration file which has configuration for representing customer desired level of service. "Official Notice" is taken that having a policy database, which comprises rules for associating requirement of service with the resources, is old and well known in the art. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to interpret rules as to have customer's information which the customer input himself and would like to see when he's connected/connecting to the internet as rules because those are things that ISP (end service domain) must follow when giving service to the customer.

As per claim 3, Li teaches a network model of claim 1, wherein the requirements of the service comprises:

-service requirements associated with the user; and (column 10 lines 62-65) (Column 9 lines 57-59).

As per claim 4, Li teaches a network model of claim 1, wherein the first one

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of the plurality of gateways is further configured to set up internal connections in the one of the plurality of wholesale service domain. (Column 4 lines 30-38)

As per claim 5, Li teaches a model of claim 1, wherein the second one of the plurality of gateways is further configured to analyze incoming user traffic and to segregate the incoming user traffic according to application. (Column 11 lines 34-44).

As per claim 6, Li teaches a method of managing a service comprising:

-providing an end service domain that comprises a plurality of resources that facilitate delivery of the service; (column 5 lines 24-38)

-generating a service model that comprises a plurality of virtual processes and a plurality of virtual connections from the end service domain that are associated with the service; (column 6 lines 42-52)(column 6 lines 64-67) (column 7 lines 1-3)

-obtaining information that specifies capabilities of the plurality of resources in the end service domain; and (column 6 lines 42-52)(column 6 lines 64-67) (column 7 lines 1-3).

- providing a policy database that comprises rules for associating requirements of the service with the plurality of resources; and (column 9 lines 50-64) (column 10 lines 62-65)

The reference teaches having a database (column 9 lines 55) which was customer's information which customer input in such as desired domain name (rules) which is made in a configuration file which has configuration for representing customer desired level of service with the customer's computers (plurality of resources) which are connected to the ISP (end service domain,

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-assigning the plurality of virtual processes and the plurality of virtual connection to ones of the plurality of resources based on the information that specifies the capabilities of the plurality of resources and the policy database (Column 7 lines 19-27) (Column 8 lines 35-42).

“Official Notice” is taken that having a policy database, which comprises rules for associating requirement of service with the resources, is old and well known in the art. It would have been obvious to one of ordinary skill in the art at the time of applicant’s invention to interpret rules as to have customer’s information which the customer input himself and would like to see when he’s connected/connecting to the internet as rules because those are things that ISP (end service domain) must follow when giving service to the customer.

As per claim 8, Li teaches a method of claim 7, wherein the requirement of the service comprise:

-service requirements associated with the user; and (column 10 lines 62-65) (Column 9 lines 57-59).

As per claim 9, Li teaches a method of claim 7 wherein generating the service model comprise:

-identifying service points in the end service domain corresponding to at least one resource through which a user accesses the service and at least one resource that hosts an end service domain application. (column 5 lines 30-43)

As per claim 10, Li teaches a method of claim 9, wherein the end service domain comprise:

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-a plurality of wholesale service domains (Fig. 1 element 30,32), respective ones of the plurality of wholesale service domains comprising at least one network that provides traffic transport for the end service domain; (Fig. 2&3; Column 5 lines 2-5).

-a plurality of gateways (Fig. 2 element 42), wherein at least a first one of the plurality of gateways couples one of the plurality of wholesale service domains to another one of the wholesale service domains and is configured to perform protocol translation on traffic passing between the coupled wholesale service domains, and wherein at least a second one of the plurality of gateways is configured to couple a user to the end service domain and is further configured to communicate with the user by a protocol associated with the service; and (Fig. 1,2,3,4,6)(Column 4 lines 52, Column 6 lines 6-12)

As per claim 11, Li teaches the method of claim 10, further comprising:

-associating respective ones of the plurality of virtual connections with respective ones of plurality of ordered lists of the gateways that define routes through the end service domain. (Column 11 lines 50-65).

As per claim 12, Li teaches the method of claim 11, further comprising:

-associating respective ones of the plurality of virtual connections with respective ones of a plurality of routes within the wholesale service domains. (Column 11 lines 50-65).

As per claim 13,15-19, they teach same limitations taught in claims 6,8-12 respectively. Therefore it is rejected under same basis.

As per claim 20,22-26 they teach same limitations taught in claims 6,8-12

respectively. Therefore it is rejected under same basis.

### **Remarks**

5. As a remark, applicant asserted:

As per claim 1,6,13 and 20 that Li does not appear to contain any disclosure or suggestion of a database that includes rules for associating service requirements with resources in end service domain and/or a plurality of resources.

Examiner respectfully disagrees with the applicant. In Column 9 lines 50-67, column 10 lines 1-5) The reference teaches having a database (column 9 lines 55) which was customer's information which customer input in such as desired domain name (rules) which is made in a configuration file which has configuration for representing customer desired level of service with the customer's computer which is connected to the ISP (end service domain). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to interpret rules as to have customer's information which the customer input himself and would like to see when he's connected/connecting to the internet as rules because those are things that ISP (end service domain) must follow when giving service to the customer.

### **Conclusion**

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a). "Internet Communication System and method with asymmetric terrestrial and satellite links." U.S. Patent # 6,038,594 by Puente; David et al.
- b). "Public IP transport network." U.S. Patent # 6,084,892 by Benash; Ray et al.

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7. A shortened statutory period for response to this action is set to expire **3 (three) months and 0 (zero) days** from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the applicant (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

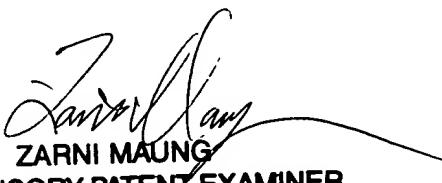
8.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dhairy A. Patel whose telephone number is (571) 272-4066. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DAP



ZARNI MAUNG  
SUPERVISORY PATENT EXAMINER